

Karpal wants CJ tried over 'bribe' remark
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Senior lawyer Karpal Singh today filed a judicial review application against Chief Justice Zaki Azmi over his alleged admission that he had once bribed court officials.

Karpal, who is also Bukit Gelugor MP, is seeking a mandamus to compel Zaki to explain the matter and have him brought to the Judges Code of Ethics Tribunal.

He is also seeking a court order to prevent Zaki himself from determining the merits of the complaints against him.

In his application, Karpal said that under Section 5 of the Judges Ethics Committee Act 2009, the proper authority to hear complaints against Zaki would be a retired chief justice or retired federal court judge.

"No one should be a judge in his own cause," he said in the application that was filed at the Kuala Lumpur High Court.

Zaki, who was previously an Umno legal advisor, will turn 66 in September this year, which is the legal retirement age for judges in Malaysia. However, his contract may be extended by the government as was done previously with former chief justice Abdul Hamid Mohamad.

This is the latest attempt by Karpal to put pressure on Zaki over an apparent admission by the latter of bribing court officials while he was still a lawyer.

Zaki allegedly said this in his speech during a convention at Kuching in November 2008.

Speaking to reporters later, Karpal said that he was forced to file the application because Zaki had yet to rebut allegations against him.

He said that he had raised the matter to no avail in Parliament and had to turn back to the courts.

"Ironically, this application will be heard before a High Court judge against his boss. This has not happened in this country before. It is not something that I wanted as this is in the public interest. However, the judge whoever it is must perform his duty without fear or favour," he said.

He had in the past tabled two motions in parliament and in one of those motion even garnered one-quarter of the MPs' support to question it, but that was not entertained by the speaker.

"The motion needs to get one-quarter of MPs in order to discuss the conduct of a judge."

Karpal had also raised the issue with the Conference of Rulers to review Zaki's appointment following the chief justice's alleged admission which was recorded on tape.

Karpal made complaint

In his accompanying affidavit to the application, Karpal said he had made a complaint against Zaki via a letter dated Aug 20, last year, under section 13 of the Judges Code of Ethics 2009, with a view to an enquiry being held against the chief justice pursuant to the provisions of section 14 of the same code.

He contended that as the complaint was made against Zaki himself, he cannot determine the merits of the complaint against himself pursuant to the doctrine - *nemo debet esse judex in propria causa* (No one should be a judge in his own cause).

It would be proper, he said that the complaint against Zaki be handled by a retired chief justice or any retired federal court judge.

Karpal sent another letter on Dec 1, asking Zaki to respond to his earlier letter and seeking the cooperation of the respondent to revert to him within seven days after receiving the letter.

He claimed in his affidavit that as Zaki had failed or refused to respond to the letter dated Dec 1, the chief justice is seen to have failed in carrying out his duty and obligation under section 13 of the Judges Code of Ethics 2009.

Karpal has doggedly maintained that Zaki had admitted to corrupt practice when he was reported in the New Straits Times on Nov 8, 2008 as saying: "It took me six months (as a practising lawyer) to be nice, to bribe each and every individual to get back into their good books before our files were attended to."

"That was my personal experience and I am telling this to all the clerks and all the registries to stop this nonsense."

Karpal told reporters that it is as if the chief justice is disregarding the judiciary's key performance index (KPI) on himself, a move which Zaki had introduced himself.

"A complaint lodged by an MP against the chief justice is serious matter. If an MP's complaint can be ignored, what more the rakyat's?" he asked figuratively.

"I have given the CJ enough time to respond to the letter and the allegations. Hence, this is why I have to make this application. I am shocked the chief justice has disregard this complaint. The chief justice talked about KPI and he must be the first to face action for not abiding by it," he said.

Karpal said he does not want to say that MPs are above the people but to show it is unbecoming that a chief justice, who is a public servant, can choose to ignore the complaint made by a legislator.

When told that Zaki will turn 66 later this year, Karpal said that is why on this issue he should have stepped down.

"This is a serious allegation let us see what happens. The ball is in his court. The judge hearing the case would not face an easy task," he acknowledged.